

Bravehearts White Balloon Day Brisbane

Friday 6 September 2013

[The Hon Justice Peter McClellan AM](#)

Chair, Royal Commission into Institutional Responses to Child Sexual Abuse

Thank you.

I am pleased to be here with you today to help bring public attention to White Balloon Day and mark its significance in National Child Protection Week. Bravehearts and the many other organisations concerned with the welfare of children have played a significant role in raising public awareness of the prevalence and consequences of both the sexual and physical abuse of children in the community. Along with others their efforts resulted in the Australian Government, supported by the Opposition and the governments of each of the States coming together to set up a national Royal Commission to look at the response of institutions to the sexual abuse of children in an institutional context, with the purpose of exposing what has happened in the past and bringing forward recommendations directed to ensuring it does not happen in the future.

It is now well known that the sexual abuse of children has been widespread in the Australian community. However, the full range of institutions in which it has occurred is not generally understood. Furthermore the character and effectiveness of the response to allegations of abuse by institutions in which it has occurred has not generally been exposed. The prosecution of a perpetrator who has abused a child within an institution brings the existence of the abuse to public knowledge but does not, in most cases, tell the community anything about the response of the institution in which the abuse occurred. Furthermore, although many recommendations have been made as to how institutions should be managed to minimise the sexual abuse of children and effectively respond to it when it has occurred, it is readily apparent that many of those issues require a coordinated national response.

I have previously talked about the size of the task facing the Royal Commission. In order to assist its work the Australian Parliament amended the Royal Commissions Act to allow the Commission to hear from victims in private sessions. This followed a similar provision to facilitate the gathering of information in private as part of the Ryan Commission into similar problems in Ireland. It means that the Commission can receive the personal stories of people in private and in circumstances where they feel secure and not threatened by having to confront their alleged abuser. Although the Act provides that information obtained by the Royal Commission in private sessions is not evidence, it may be included in a report if it is “de-identified”, that is, the anonymity of the person is preserved.

Each private session requires one or two Commissioners to be present. We also need two Commission staff to carry out the necessary organisational tasks, including making a recording of the session. We must also have a trained counsellor present to provide support for anyone in

need and ensure that, if required, they are referred to another service capable of providing the person with ongoing support.

When we first started planning for private sessions we took advice from a psychiatrist. We were told that it would be likely that an individual would require 1 to 1½ hours to tell their story and because of the need to safeguard the health of Commissioners and staff, it would only be possible for a Commissioner to hear four stories in one day. We were also advised that it would not be appropriate, bearing in mind the risk to a Commissioner's health that a Commissioner sit for five continuous days in any week.

Experience has shown that this advice was sound. Although some people are able to give an account of their abuse in a logical and calm manner many are not. Many people who have come to the Commission have suffered greatly both at the time the abuse occurred and subsequently. Many have received counselling at various stages of their lives, many have thought of suicide and some have attempted it. Many people, including those who suffered abuse thirty or forty years ago, break down in the course of telling their story and require the assistance of support persons to be able to continue. The recounting of those stories is often traumatic for the persons telling the story.

The Commission has at 23 August received 4,301 phone calls relevant to allegations of abuse. Not all of these people require a private session and some callers fall outside our Terms of Reference. For example we have not been asked to look at familial abuse.

The Commission has now been able to conduct private sessions in Sydney, Brisbane, Adelaide, Perth, Canberra and Melbourne. At 6 September 326 persons have told a Commissioner their story. At that date 423 were waiting in the queue to tell us their story. We also have approximately 1000 further persons waiting to be assessed for a private session. We receive an average of 23 new callers per day and we expect that at least 10 of them will require a private session. I expect that rate to increase once public hearings start and survivors learn more about what we are doing. Many people will be hesitant about coming forward until they are satisfied that they can trust the Commission's processes. Because the Commission is permanently located in Sydney private sessions can take place at our Sydney premises whenever a Commissioner is available and it is convenient for a person to come and tell their story. In other cities forward arrangements have to be made. The logistical difficulties have meant that until recently it has not been possible to organise private sessions out of Sydney in more than one place at any one time. However, now that the Commission has reached near to its full complement of staff and the process of private sessions has, with experience, been refined I am now able to authorise Commissioners to sit in different places at the same time. This will continue throughout the life of the Commission. The availability of Commissioners for private sessions will also depend upon the demand for Commissioners to sit in public hearings.

Although I anticipate that a great many more private sessions will occur before the Commission's work is complete, probably in the thousands, some preliminary themes are emerging. It is apparent that where an organisation lacks an appropriate culture and there are not appropriate practices and training of staff within the organisation, there is a risk that sexual abuse will occur. In some institutions there may be only one perpetrator. In others there will be

multiple abusers and many children may be abused. In residential institutions sexual abuse is almost always reported to be accompanied by almost unbelievable levels of physical violence inflicted on the children by the adults who had responsibility for their welfare. Many of the stories we hear will shock people.

It is also clear that the damage to an individual, be it a boy or girl, who is abused at a time when, because of their age, they are unable to resist an abuser or report the abuse to others, may be life changing. It is common that a person who has been abused in a school setting, but this may occur elsewhere, will experience significant difficulties in being able to concentrate on school work compromising the development of the skills necessary to obtain employment and establish appropriate familial and broader social relationships. They lose faith in their teachers and in the school and may come to feel alienated from their friends and family. What many may consider to be low levels of abuse of boys and girls can have catastrophic consequences for them leading to a life which is seriously compromised from what it might otherwise have been. Both boys and girls are left with a distrust of adults and difficulties with intimacy. Inappropriate touching of boys may leave them with confusion as to their sexual identity. This can manifest in lifelong difficulty in relationships which can cause difficulties in other aspects of their lives. Although the impact on the lives of abused persons has been reported within the academic literature I have no doubt that it is not well understood by the general community. In my role as a judge I have been called upon to review many of the sentences imposed upon people convicted of the sexual abuse of children but I readily acknowledge that, until I began my work with the Commission, I did not adequately appreciate the devastating and long lasting effect which abuse can have on an individual's life.

It is apparent from the work we have undertaken to date that it will not be possible within any reasonable time frame for the Commission to be able to investigate, hold public hearings and make findings in relation to every institution where there are allegations that children have been sexually abused. We will have to be selective. To make the best use of our resources we have determined to generally devote the public hearings to systemic issues and policy matters. However, we will also, where we find evidence of a significant cluster of abused individuals, conduct a public hearing. It may also be that some individual institutions form part of a group of institutions which are themselves part of larger organisational structures which will raise systemic issues which we will examine. In order to enable Australians to understand what has been occurring and its potentially devastating consequences for abused persons we will, where the person agrees, also publicly tell the story of some individuals. Public hearings will commence in Sydney on 16 September.

I greatly appreciate the opportunity to be able to talk to you today about some of the work the Royal Commission is undertaking. The success of the work that we do is of course dependent upon people coming to us to share their story. Bravehearts and the other groups who have a role in assisting survivors have an important part to play in helping their members understand the Commission's process and in encouraging and supporting them to come and talk to us. On behalf of the Royal Commission I express our appreciation for the effective relationship which has been established between us and look forward to their continuing assistance as our work progresses.